

## **REMARKS**

An Information Disclosure Citation was submitted on July 28, 2006 (2 sheets). However, an initialed copy of these sheets was not sent along with the outstanding office action. The applicants respectfully request the examiner to return an initialed copy of the Information Disclosure Citation submitted on July 28, 2006.

Claims 1-12 are currently pending. Claims 1 and 7-8 have been amended. Reconsideration of the present application is respectfully requested.

Claims 1, 3 and 7-8 have been rejected under the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,881,589 to Ikeda *et al.* in view of the publication to Fielder *et al.* (hereafter: "Fielder"). For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claims 1 and 7-8 have been amended to clarify that one of the plurality of predetermined conditions judged to determine if satisfied by each of the plurality of audio streams is that basic data of an audio frame of an audio stream to be selected has a stereo attribute, extended data of the audio frame of the audio stream to be selected has a surround attribute, and a surround output of the extended data of the audio frame of the audio stream to be selected can be processed. Support for this amendment can be found on, for example, pgs. 89-90 (paragraphs [0195]-[0197]).

According to amended claims 1 and 7-8, when an audio stream, which has a double reproduction property in that it is reproduced as a stereo audio when only the basic data is reproduced, and reproduced as a surround audio when the basic data and the extended data are

reproduced in combination, is recorded on a recording medium, the audio with priority is selected over an audio stream that can be reproduced only as a stereo audio.

As conceded in the office action, claims 1 and 2 of U.S. Patent No. 7,881,589 do not teach detecting whether or not a channel attribute of the extended data is surround and capable of being processed. Fielder was cited to cure the deficient teachings of claims 1 and 2 of U.S. Patent No. 7,881,589.

Fielder, at best, describes a data structure in which each of archive files  $n$  and  $n+1$  includes an independent substream and a dependent substream (See Figs. 20 and 21 shown in pg. 20). The independent substream provides 5.1-channel audio and a combination of the independent substream and the dependent substream provides 7.1-channel audio.

However, Fielder fails to teach or suggest a combination of basic data and extended data being used to extend a stereo audio to a surround audio. For example, Fielder, in page 19, in the section entitled “5. DATA FORMAT EXTENSIONS”, items 1 to 3, describes how the independent substream and the dependent substream are created. A 5.1-channel downmix is created and encoded as an independent substream, and the 7.1-channel program is encoded as a dependent substream. As described in items 4 to 6, the independent substream and the dependent substream are reproduced by being decoded and replacing the left-surround and right-surround channels of the independent substream with the left-surround and right-surround channels from the dependent substream.

As understood from above, the independent substream and the dependent substream of Fielder are used to extend the 5.1-channel audio to the 7.1-channel audio. Fielder does not teach or suggest one of the plurality of predetermined conditions for making a judgment is that basic data of an audio frame of an audio stream to be selected has a stereo attribute, extended data of

the audio frame of the audio stream to be selected has a surround attribute, and a surround output of the extended data of the audio frame of the audio stream to be selected can be processed. Accordingly, the rejection of claims 1 and 7-8, as well as dependent claim 3, under the grounds of non-statutory obviousness-type double patenting should be withdrawn.

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2008/0131085 to Ikeda *et al.* (hereafter: “Ikeda”) in view of Fielder. For the reasons discussed below, these claims, as amended, are now in condition for allowance.

As conceded in the office action, Ikeda does not teach detecting whether or not a channel attribute of the extended data is surround and capable of being processed. Similarly to the obviousness-type double patenting rejection discussed above, Fielder was cited to cure the deficient teachings of Ikeda.

As discussed above, Fielder fails to teach or suggest one of the plurality of predetermined conditions for making a judgment is that basic data of an audio frame of an audio stream to be selected has a stereo attribute, extended data of the audio frame of the audio stream to be selected has a surround attribute, and a surround output of the extended data of the audio frame of the audio stream to be selected can be processed as called for in amended claims 1 and 7-8. Accordingly, the rejection of claims 1 and 7-8, as well as dependent claims 2-6 and 9, should be withdrawn.

Further regarding claim 2, claim 2 recites *inter alia* a status register that stores a first flag group, which corresponds to basic data of a plurality of encoding methods, and a second flag group which corresponds to extended data of the plurality of encoding methods.

In the office action, it has been asserted that the player status register (PSR15) described in paragraphs [0171]-[0173] teach this limitation. However, PSR15 merely includes an LPCM capability field, an AC-3 capability field and a DTS capability field. Ikeda does not describe a second flag group which corresponds to extended data of the plurality of encoding methods.

Fielder, at best, merely describes the dependent substream of an AC-3 coding system. Fielder also fails to teach or suggest a second flag group which corresponds to extended data of the plurality of encoding methods.

Therefore, because Ikeda and Fielder fail to teach or suggest a status register that stores a second flag group which corresponds to extended data of the plurality of encoding methods, it is respectfully requested that the rejection of claim 2 under 35 U.S.C. 103(a) be withdrawn.

Claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda in view of Fielder and further in view of U.S. Patent Publication No. 2006/0013077 to Mesarovic and the publication to Thomson. For the reasons discussed below, these claims, as amended, should be in condition for allowance.

As conceded in the office action, Ikeda in view of Fielder fail to teach the encoding methods recited in claims 10-12. Mesarovic and Thomson have been cited to cure the deficient teachings of Ikeda and Fielder.

Mesarovic, in paragraph 0027, describes an A/V system software architecture in which audio decoders represent instances of application specific processing operations. Each audio decoder includes a unique set of algorithms to decode a specific audio signal format. For example, the following audio formats each utilize a code implementation having a unique set of algorithms: Dolby.RTM, Digital, Dolby.RTM, Digital EX, DTS.RTM, Digital Surround, DTS-

ES, Meridian Lossless Packing (MLP Lossless.TM.), MPEG-I/2 Layer I, II, MPEG- 2/4 Advance Audio Coding (AAC.TM.), WMA, PCM, High-Definition Compact Disc (HDCD.RTM.) (MLP Lossless is a trademark of Dolby Laboratories, Inc.). Each application specific processing operation is implemented using software and/or firmware referred to as an application specific module (ASM).

However, Mesarovic neither discloses nor implies how the basic data and extended data are represented in each encoding method. Furthermore, Mesarovic does not disclose how to deal with an audio stream which has a double reproduction property in that it is reproduced as a stereo audio when only the basic data is reproduced, and reproduced as a surround audio when the basic data and the extended data are reproduced in combination. That is, Mesarovic also fails to teach or suggest one of the plurality of predetermined conditions for making a judgment is that basic data of an audio frame of an audio stream to be selected has a stereo attribute, extended data of the audio frame of the audio stream to be selected has a surround attribute, and a surround output of the extended data of the audio frame of the audio stream to be selected can be processed as called for in amended claims 1 and 7-8. Accordingly, the rejection of claims 10-12 under 35 U.S.C. 103(a) should be withdrawn.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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